

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

JOHN W. WASHINGTON, as next)	
Friend of MAE R. WASHINGTON,)	
)	
Plaintiff,)	
)	
v.)	CASE NO.2:17-cv-855-MHT-TFM
)	[wo]
BIO-MEDICAL APPLICATIONS)	
OF ALABAMA, INC., a foreign)	
Corporation,)	
)	
Defendant.)	

ORDER

This matter is pending before the Court on Plaintiff's Motion to Compel filed August 17, 2018 (Doc. 70) to which Defendant has filed a Response (Doc. 74). In the Motion, Plaintiff seeks documents supporting Defendant's denials to two requests for admission as follows:

13. Pursuant to Rule 36, F.R.C.P., please admit that head trauma suffered by Mae Washington in the fall at defendant's Tallassee clinic on June 2, 2017, is a proximate cause of her complete loss of cognitive function since that accident.

15. Pursuant to Rule 36, F.R.C.P., please admit that head trauma suffered by Mae Washington in the fall at defendant's Tallassee clinic on June 2, 2017, is a proximate cause of her comatose state since that accident.

(Doc. 70 at p.2). Defendant objected to these discovery requests on the basis that

they sought disclosure of expert opinions which were not yet required by the Court's Uniform Scheduling Order. In its Response to the Motion to Compel, Defendant stated further as follows:

Defendant has disclosed that it expects that its experts will rely on Plaintiff's medical records in making their opinions and that Defendant has not provided its experts with any documents other than those produced by the parties in this case or which have been obtained through third party subpoenas, all of which Plaintiff already has. Defendant has fully produced and disclosed the documents it will use in support of its denial of Plaintiff's Requests for Admissions.

(Doc. 74 at p. 4). As a result of Defendant's affirmative statement regarding the relevant production, the Court concludes that Plaintiff's Motion to Compel is due to be denied. Accordingly, it is

ORDERED that the Motion to Compel (Doc. 70) is DENIED.

DONE this 5th day of September, 2018.

/s/ Terry F. Moorner
TERRY F. MOORER
UNITED STATES MAGISTRATE JUDGE